

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

PHYSICIANS HEALTHSOURCE, INC., an ) Civil Action No.: 1:14-cv-02075-SEB-TAB  
Ohio corporation, individually and as the )  
representative of a class of similarly-situated )  
persons, )  
 )  
Plaintiff, )  
 )  
v. ) **PLAINTIFF'S PRELIMINARY**  
 ) **WITNESS AND EXHIBIT LIST**  
ESAOTE NORTH AMERICA, INC. and )  
JOHN DOES 1-10, )  
 )  
Defendants. )

Pursuant to the Case Management Plan (Doc. No. 34), Plaintiff Physicians Healthsource, Inc. submits the following Preliminary Witness and Exhibit List:

**WITNESS LIST**

1. John Ruch, D.C.  
Jeffrey Elwert, D.C.

All of the above witnesses have discoverable information regarding Defendant's advertising fax directed to Plaintiff and reviewed by them at Physicians Healthsource regarding Defendant's use of a fax machine and telephone line owned by Physicians Healthsource and regarding Defendant's lack of prior express permission or invitation from Physicians Healthsource to do so.

2. Dave Nelson (current Esaote Marketing Department)

Mr. Nelson may have discoverable information about the alleged fax sent to Physicians Healthsource, Inc. and Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

3. Tony Musarra (former Esaote Marketing Department)

Mr. Musarra may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

4. Claudio Bertolini (former Esaote CEO)

Mr. Bertolini may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

5. Gordon Parhar (former Esaote employee)

Mr. Parhar may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

6. Chris Wickard (former Esaote employee)

Mr. Wickard may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

7. Bill Conn (former Esaote employee)

Mr. Conn may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

8. SK&A (list source)

SK&A may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

9. VoiceLogic (fax broadcaster)

VoiceLogic may have discoverable information about Esaote's faxing policies, procedures, and activities as those relate to Physicians Healthsource, Inc.

#### **EXHIBIT LIST**

1. Fax Advertisement dated 11/3/2011

Respectfully submitted,

/s/ Matthew Stubbs

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Matthew E. Stubbs